

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION**

IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

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) MDL No. 2738

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**CERTIFICATION OF MARK K.
SILVER, ESQ. IN SUPPORT OF
MOTION TO SEAL**

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I, **MARK K. SILVER**, hereby state as follows:

1. I am an attorney-at-law of the State of New Jersey, and a member of the law firm of Coughlin Duffy LLP, attorneys for Defendant Imerys Talc America, Inc. ("Imerys"). I am the attorney at this office responsible for overseeing this matter. As such, I have personal knowledge of the facts set forth herein.

2. I submit this Certification in support of Imerys' Motion to Seal certain portions of Plaintiffs' Steering Committee's Objection to Special Master's Letter Opinion on Defendant Imerys Talc America, Inc.'s Clawback Request of Employee Emails.

3. By way of background, on October 19, 2018, Imerys Talc America, Inc. ("Imerys") requested a ruling from Special Master Judge Pisano by way of a letter application regarding Imerys' request to the Plaintiffs' Steering Committee ("PSC") for the clawback of certain confidential communications between one of its employees, Julie Pier and her husband, Robert Pier.

4. On November 6, 2018, Judge Pisano issued a letter opinion granting Imerys' request to clawback Ms. Pier's communications. He further ruled that the communications were protected by the marital communications privilege and that neither Ms. Pier nor her husband waived that privilege.

5. On November 20, 2018, PSC filed a formal objection to Judge Pisano's letter opinion with this Court. In connection with their objection, PSC attached the confidential communications at issue under seal as required by the Protective Order entered in this case.

6. Imerys now submits a certification and brief to seal certain portions of the brief and exhibits attached to PSC's Opposition. Imerys respectfully requests that the Court preserve the seal on the exhibits annexed to PSC's Opposition to Special Master's Letter Opinion on Defendant Imerys Talc America's Clawback Request of Employee Emails.

7. The Exhibits in question contain portions of confidential documents that are protected by the marital communications privilege.

8. The documents and information contained therein reflect personal communications between an Imerys employee and her spouse. The information contained in the documents implicate personal information otherwise not to be disclosed.

9. Imerys takes all reasonable measures to ensure the information is not disseminated to outside sources. Due to the personal nature of the information in these documents, it is essential that the information remain confidential and protected.

10. There is no less restrictive alternative other than the sealing of the portions of these documents because the documents would become publicly accessible via the Court's ECF and Pacer systems, contrary to the purposes of businesses' legitimate interest in protecting confidential and proprietary information.

11. I hereby certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

COUGHLIN DUFFY LLP
Attorneys for Defendant Imerys Talc America, Inc.

s/ Mark K. Silver
Mark K. Silver, Esq.

Dated: December 4, 2018